

I. REMARKS

Applicant respectfully requests reconsideration of the present application in view of the reasons that follow.

Claims 1, 4-6, 8, 9, 11, 12, and 14-20 are now pending in this application.

II. REJECTIONS UNDER 35 U.S.C. §102

Claims 1, 3-6, 8, 9, 11, 12 and 14-20 stand rejected under 35 U.S.C. §102(b) in view of International Publication No. WO 02/28451, to Jorgensen, et al. ('451 reference). Applicant respectfully disagrees for reasons set forth below.

As an initial matter, Applicant notes that claim 3 was previously canceled. The Office Action Summary sheet correctly identifies claims 1, 4-6, 8, 9, 11, 12, and 14-20 as being both pending in the application and rejected. Applicant responds as if the rejection under §102(b) is directed to claims 1, 4-6, 8, 9, 11, 12, and 14-20.

Independent claims 1, 9, 19, and 20 are not anticipated by the '451 reference, because the '451 reference does not describe, either expressly or inherently, each and every element of the claim. A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. (M.P.E.P. §2131, citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). Claim 1 is directed to a flexible chamber, reciting in pertinent part:

an expandable wall, wherein a first end of the expandable wall is attached to a circumference of the first side of the flexible chamber and a second end of the expandable wall is attached to a circumference of the second side of the flexible chamber.

(Emphasis added). Independent claims 9, 19, and 20 recite similar limitations.

The '451 reference describes chambers that are "flexible and expandable." (Pg. 2, ll. 10-11 and 22-23). These chambers are further described as being in the form of "bags" for use in a

centrifugal device. (Pg. 1, l. 30 through pg. 2, l. 1) The bags are described as having a “flexible compartment” that is able to “withstand inflation with expressor fluid or gas.” (Pg. 7, ll. 5-6). Quite notably, the ‘451 reference does not describe anything resembling an expandable wall as recited in Applicant’s claims. Thus, there is no literal support for at least Applicant’s claimed element of an expandable wall.

Flexible walls described in the ‘451 reference are not the same as Applicant’s expandable wall recited in Applicant’s claims. In exemplary embodiments of the ‘451 reference, the chambers are constructed from “two sheets of flexible material” that are sealed at an outer circumference and an inner circumference. (Pg. 3, ll. 9-11). The sheets of flexible material described in the ‘451 reference represent flexible walls, meaning that they may bend or otherwise yield to external influence, such as expressor fluid or gas. Flexible walls such as these are quite different from the expandable walls recited in Applicant’s claims. Flexibility alone does not mean that the walls of the ‘451 reference are able to increase in extent or size as do the expandable walls of Applicant’s claimed invention.

Expandable chambers described in the ‘451 reference are not the same as Applicant’s expandable wall recited in Applicant’s claims. A chamber can be formed by flexible walls, such as those described in the ‘451 reference that are sealed along the circumferences. Such a chamber may be expandable in that a volume defined by its walls may be varied simply by flexure of the flexible walls. For example, flexing the walls away from each other will expand a volume of the chamber. The flexible walls of the ‘451 reference are not expandable. The expandable chamber of the ‘451 reference is not a wall. Thus, the expandable chamber described in the ‘451 reference is different than the flexible wall recited in Applicant’s claims.

Moreover, even if one were to admit that the walls of the ‘451 reference are expandable, which they are not, the ‘451 reference fails to recite an additional element of Applicant’s claimed invention. Namely, Applicant’s claims recites in pertinent part that:

a first end of the expandable wall is attached to a circumference of the first side of the flexible chamber and a second end of the expandable wall is attached to a circumference of the second side of the flexible chamber.

Thus, Applicant's wall is attached between circumferences of the two sides of the flexible chamber. The '451 does not disclose or otherwise suggest attaching anything at all between circumferences of the two sides of the flexible chamber. Namely, the only detailed structures described and illustrated in the '451 reference have the two sides of the chamber sealed to each other, meaning that there is nothing attached in between. (Pg. 3, ll. 9-12, FIG. 3, and FIG. 7).

Consequently, the '451 reference fails to anticipate Applicant's claimed invention, because the '451 reference does not describe, either expressly or inherently, an expandable wall, wherein a first end of the expandable wall is attached to a circumference of the first side of the flexible chamber and a second end of the expandable wall is attached to a circumference of the second side of the flexible chamber, as recited in Applicant's claimed invention. Applicant respectfully requests reconsideration and withdrawal of this rejection of independent claims 1, 9, 19, and 20.

Each of dependent claims 4-6 and 8 depends directly or indirectly from base claim 1 and therefore includes all of the limitations of base claim 1. Accordingly, dependent claims 4-6 and 8 are also patentable for the same reasons set forth above.

Similarly, each of dependent claims 11-18 depends directly or indirectly from base claim 9 and therefore includes all of the limitations of base claim 9. Accordingly, dependent claims 11-18 are also patentable for the same reasons set forth above.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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